

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAZMIN LOPEZ,

Plaintiff

v.

GEICO GENERAL INSURANCE
COMPANY,

Defendant

Case No.: 2:21-cv-00001-APG-NJK

**Order Remanding Case for Lack of
Subject Matter Jurisdiction**

Defendant GEICO General Insurance Company removed this action on the basis of diversity jurisdiction. ECF No. 1. I ordered GEICO to show cause why this case should not be remanded for lack of subject matter jurisdiction. ECF No. 6. I did so because although the plaintiff alleged in the amended complaint that she made a \$100,000 settlement demand, there was no indication as to how the plaintiff reached this amount as a reasonable estimate of her claim, given that she alleged approximately \$29,000 in medical bills and she received \$25,000 from the tortfeasor's insurer.

In its response to the order to show cause, GEICO does not present sufficient evidence to show that the \$100,000 demand was a good faith estimate of the plaintiff's claims. The \$100,000 demand was made in October 2019 based on \$23,392.56 in medical bills. ECF No. 7-3. The demand letter states that the plaintiff "may . . . require additional and extensive treatment, including surgery/surgeries." ECF No. 7-3 at 3. But the letter does not refer to any medical opinion to support that statement and GEICO has not provided any. More than year later, the amended complaint alleged \$28,908.56 in medical bills, suggesting the plaintiff has not had

1 significant continuing treatment. ECF No. 1-2 at 4. GEICO therefore has not met its burden of
2 showing subject matter jurisdiction.

3 I THEREFORE ORDER that this case is remanded to the state court from which it was
4 removed for all further proceedings. The clerk of the court is instructed to close this case.

5 DATED this 25th day of January, 2021.

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8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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